

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WENDY P. DRESSLER,

Plaintiff,

v.

LIME ENERGY,

Defendant.

Civ. No. 3:14-cv-07060 (FLW)(DEA)

**CONSENT ORDER DISMISSING
COMPLAINT, WITH PREJUDICE,
WITHOUT COSTS OR ATTORNEY FEES**

THIS MATTER having been brought before the Court by the joint application of Wolf Haldenstein Adler Freeman & Herz LLP and Berkowitz, Lichtstein, Kurtisky, Giasullo & Gross, LLC, attorneys for Plaintiff Wendy P. Dressler ("Plaintiff") and Jackson Lewis P.C., attorneys for Defendant Lime Energy Services Co. (improperly pled as "Lime Energy") ("Defendant"); and

WHEREAS, this matter was stayed by order of the court dated July 20, 2017 (DN62) pending a decision by the Supreme Court of the United States in the matter of *Digital Realty Trust, Inc. v. Somers*, No. 16-1276; and

WHEREAS, the Supreme Court of the United States issued its decision in *Digital Realty Trust, Inc. v. Somers* on February 21, 2018; and

WHEREAS, the Supreme Court held that in order to be a whistleblower under Dodd-Frank Act's anti-retaliation provision, a person must first provide information relating to an alleged violation of the securities laws to the Securities and Exchange Commission (SEC), *Digital Realty Trust, Inc. v. Somers*, __ U.S. __, __ S.Ct. __, 200 L. Ed.2d 15, 2018 U.S. LEXIS 1377 (2018); and

WHEREAS, Plaintiff's only claim in this matter is under the Dodd-Frank Act

and it appearing that Plaintiff cannot successfully maintain a claim under said Act based on the decision in *Digital Realty Trust, Inc. v. Somers*.

IT IS on this 28th day of March 2018;

ORDERED Plaintiff's Complaint is hereby dismissed, in its entirety, with prejudice, and without costs or attorneys' fees to any party


Freda L. Wolfson, U.S.D.

The undersigned agree to the form and entry of the within order:

BERKOWITZ, LICHTSTEIN, KURTISKY,
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-and-

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Dated: March 27, 2018

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Dated: March 27, 2018